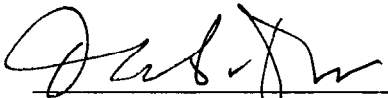


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: BOX TTAB FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514 on

8-19-03.



Thomas A. Polcyn
Reg. No. 41,256

Attorney Docket: 51017/40962

ENTERPRISE RENT-A-CAR COMPANY

Opposer,

v.

REED ELSEVIER INC.

Applicant.

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Opposition No. _____

App. Ser. No. 76/460,395

BOX TTAB FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

NOTICE OF OPPOSITION

“Opposer”, Enterprise Rent-A-Car Company, a corporation organized and existing under the laws of the state of Missouri, with offices at 600 Corporate Park Drive, St. Louis, Missouri 63105, believes that it will be damaged by registration of the mark “e” and

Design for services in International Class 39, as shown in U.S. Trademark Application Serial No. 76/460,395 filed by "Applicant", Reed Elsevier Inc., and hereby opposes same.

As grounds for its opposition, Opposer hereby alleges as follows:

1. Applicant seeks to register "e" and Design as a service mark for *providing information in the fields of transportation and travel; providing information in the fields of transportation and travel via a global computer network* in International Class 39, as shown by publication in the Official Gazette on April 22, 2003, at page TM378. Opposer has requested and has been granted extensions of time in which to file a notice of opposition to and including the date hereof.

2. Since at least as early as 1967, Opposer has continuously used in interstate commerce the mark "e" as a trademark and service mark in its business of vehicle rental, vehicle leasing, vehicle sale and vehicle repair. More recently, but still prior to any alleged use by Applicant of the mark for which it seeks registration, Opposer has continuously used in interstate commerce the mark "e" as a trademark and service mark in connection with vehicle rental services, including providing vehicle rental reservation services via a global computer network.

3. Opposer is owner of the following United States trademark registrations for its "e" marks:

<u>Mark</u>	<u>Registration Number</u>	<u>Registration Date</u>	<u>International Classes</u>	<u>Exhibit No.</u>
"e" and Design	925,251	12-7-1971	35 and 42	1
"e" and Design	1,045,085	7-27-1976	39	2

"e" and Design	1,234,835	4-12-1983	35 and 37	3
"e" and Design	1,864,905	11-29-1994	35, 37, 39 and 42	4
"e" and Design	1,875,518	1-24-1995	35, 37, 39 and 42	5
"e" ENTERPRISE and Design	2,052,192	4-15-1997	39 and 42	6
ECAR	2,130,856	1-20-1998	39 and 42	7
E	2,136,409	2-17-1998	35, 37, 39 and 42	8
"e" ENTERPRISE	2,190,147	9-22-1998	35, 37, 39 and 42	9
"e" and Design	2,255,679	6-22-1999	35, 37, 39	10

Said registrations are valid and in good standing. True and accurate copies of these registrations are attached to this Notice of Opposition as Exhibits 1 through 10.

4. Opposer has promoted and provided its vehicle rental services, including providing vehicle rental reservation services via a global computer network, in interstate and intrastate commerce under the "e" marks shown in Exhibits 1 through 10 prior to any alleged use by Applicant of the mark for which it seeks registration.

5. As a result of the use, promotion, and advertising of Opposer's "e" marks, said marks have become well known to the trade and to the public, and have accordingly acquired significant goodwill. Opposer's "e" marks identify and distinguish Opposer's goods and services from the goods and services of others, and identify the source and origin thereof to both the trade and the public.

6. Prior to Applicant's adoption of its mark, if any, Opposer's "e" marks had been used and promoted in such a way as to create a public perception of the lower case script letter "e" as a family characteristic and as an indication of source, which characteristic is distinctive in the context of the goods and services listed in Opposer's registrations referenced in paragraph 3 of this Notice of Opposition. Opposer's "e" marks continue to be used and promoted in such a way. Thus, Opposer's "e" marks constitute a family of marks, with Applicant's mark appearing to be a member thereof.

7. Prior to Applicant's adoption of its mark, if any, Opposer's "e" marks were distinctive and became "famous" within the meaning of 15 U.S.C. §1125(c).

8. Upon information and belief, Applicant has made no use of the mark for which it seeks registration, nor of any word, letter or design confusingly similar thereto as a trademark or service mark, prior to the dates of first use claimed by Opposer in its registrations referenced in paragraph 3 of this Notice of Opposition.

9. Registration and use of the mark for which Applicant's seeks registration is likely to cause confusion in the minds of the trade and of the public that Applicant's goods or services emanate from or are licensed, sponsored or otherwise authorized by Opposer, whereas in fact they are not.

10. Registration and use of the mark for which Applicant's seeks registration would cause dilution to one or more of Opposer's "e" marks.

11. Applicant's mark for which it seeks registration so resembles Opposer's "e" marks previously used in the United States by Opposer and not abandoned, as to be likely, when applied to Applicant's listed good and services, to cause confusion or to cause mistake or to deceive the public, or to cause dilution of the distinctive quality of Opposer's "e" marks.

12. Opposer will be injured and damaged by the granting to Applicant of the registration for the mark for which registration is sought, because such mark, when applied to the goods and services of Applicant:

- (a) is likely to cause confusion, or to cause mistake, or to deceive;
- (b) falsely suggests a connection with Opposer;
- (c) will cause dilution of the distinctive quality of Opposer's "e" marks; and
- (d) will damage Opposer's valuable goodwill in its "e" marks.

13. By reason of the foregoing, Applicant is not entitled to the registration of the mark sought by its application.

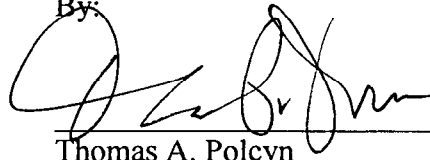
WHEREFORE, Opposer respectfully prays that this opposition be sustained and the application for registration denied.

Authorization is hereby given to charge Deposit Account 20-0823 \$300.00 for the Notice of Opposition fee. This is believed to be the correct fee, but if it is not, please be hereby authorized to debit our Account 20-0823 or credit any excess thereto.

Respectfully submitted,

THOMPSON COBURN LLP

By:

A handwritten signature in black ink, appearing to read 'Thomas A. Polcyn', written over a horizontal line.

Thomas A. Polcyn

Reg. No. 41,256

One US Bank Plaza

St. Louis, Missouri 63101

(314) 552-6000

ATTORNEYS FOR OPPOSER

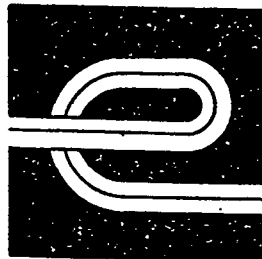
STATUS COPY

United States Patent Office

925,251
Registered Dec. 7, 1971

PRINCIPAL REGISTER
Service Mark

Ser. No. 354,153, filed Mar. 16, 1970



Executive Leasing Company (Missouri corporation)
8844 Ladue Road
St. Louis, Mo. 63124

For: AUTOMOBILE LEASING SERVICES, in CLASS
100 (INT. CL. 42).

For: RETAIL AUTOMOBILE SALES SERVICES, in
CLASS 101 (INT. CL. 35).

First use Feb. 15, 1967; in commerce Feb. 15, 1967.

REGISTERED FOR A TERM OF 20 YEARS FROM Dec. 7, 1971

COMB. AFF. SEC 8 & 15

MAILED

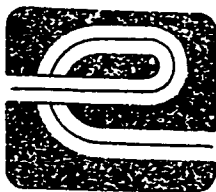
DEC 15 1981

2

[illegible]

Reg. No. 1,045,085
Registered July 27, 1976

Principal Register



For: SHORT-TERM RENTAL SERVICES OF AUTOMOBILES AND TRUCKS, in CLASS 39 (U.S. CL. 105).

First use Feb. 15, 1967; in commerce Feb. 15, 1967.
Owner of Reg. No. 925,251.

Ser. No. 33,536, filed Oct. 2, 1974.

I. S. SIGLIN, JR., Examiner

Int. Cls.: 35 and 37

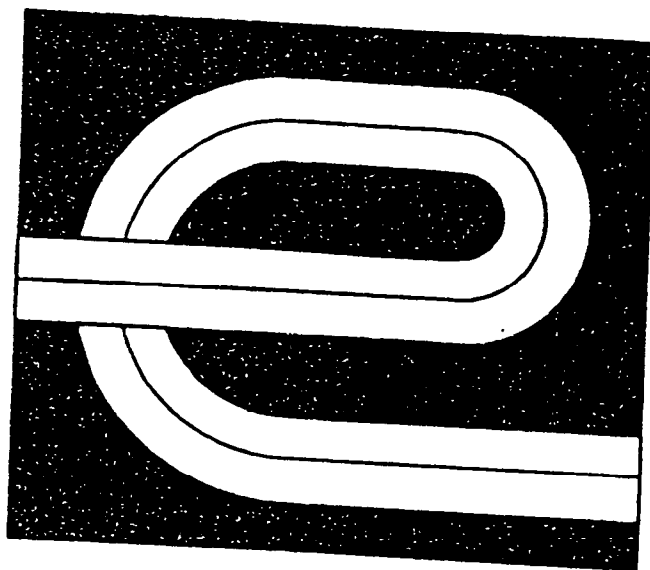
Prior U.S. Cls.: 101 and 103

United States Patent and Trademark Office

Reg. No. 1,234,835

Registered Apr. 12, 1983

SERVICE MARK
Principal Register



Enterprise Leasing Company (Missouri corporation)
35 Hunter Ave.
St. Louis, Mo. 63124

For: AUTOMOTIVE FLEET MANAGEMENT
SERVICES, in CLASS 35 (U.S. Cl. 101).

First use Feb. 15, 1967; in commerce Feb. 15,
1967.

For: AUTOMOTIVE REPAIR SERVICES, in
CLASS 37 (U.S. Cl. 103).

First use Feb. 15, 1967; in commerce Feb. 15,

1967.

Owner of U.S. Reg. Nos. 925,251 and 1,045,085.

The mark consists in part of the stylized letter
"E".

Ser. No. 346,544, filed Jan. 21, 1982.

CRAIG D. TAYLOR, Examiner

Int. Cls.: 35, 37, 38, 39 and 42

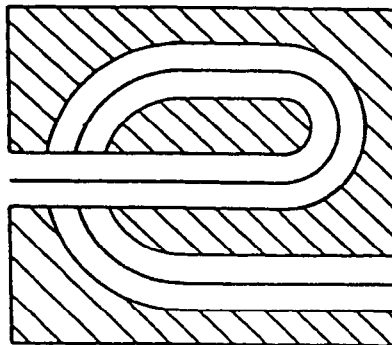
Prior U.S. Cls.: 101, 103, 104 and 105

United States Patent and Trademark Office

Reg. No. 1,864,905

Registered Nov. 29, 1994

**SERVICE MARK
PRINCIPAL REGISTER**



ENTERPRISE RENT-A-CAR COMPANY (MISSOURI CORPORATION)
8850 LADUE ROAD
ST. LOUIS, MO 63124

FOR: AUTOMOTIVE FLEET MANAGEMENT SERVICES, IN CLASS 35 (U.S. CL. 101).

FIRST USE 2-15-1967; IN COMMERCE 2-15-1967.

FOR: AUTOMOTIVE REPAIR SERVICES AND TELEPHONE INSTALLATION AND REPAIR SERVICES, IN CLASS 37 (U.S. CL. 103).

FIRST USE 2-15-1967; IN COMMERCE 2-15-1967.

FOR: TELEPHONE LEASING SERVICES, IN CLASS 38 (U.S. CL. 104).

FIRST USE 2-1-1988; IN COMMERCE 2-1-1988.

FOR: RENTAL AND LEASING SERVICES OF AUTOMOBILES AND TRUCKS, IN CLASS 39 (U.S. CL. 105).

FIRST USE 2-15-1967; IN COMMERCE 2-15-1967.

FOR: RETAIL OUTLET SERVICES IN THE FIELD OF TELEPHONES, AND AUTOMOTIVE DEALERSHIP SERVICES, IN CLASS 42 (U.S. CL. 101).

FIRST USE 2-15-1967; IN COMMERCE 2-15-1967.

OWNER OF U.S. REG. NOS. 925,251, 1,586,104 AND OTHERS.

THE DIAGONAL LINING IN THE DRAWING DENOTES THE COLOR GREEN.

SER. NO. 74-465,251, FILED 12-6-1993.

CHERYL BUTLER, EXAMINING ATTORNEY

Int. Cls.: 35, 37, 38, 39 and 42

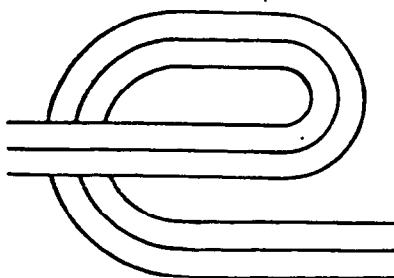
Prior U.S. Cls.: 101, 103, 104 and 105

United States Patent and Trademark Office

Reg. No. 1,875,518

Registered Jan. 24, 1995

**SERVICE MARK
PRINCIPAL REGISTER**



ENTERPRISE RENT-A-CAR COMPANY (MISSOURI CORPORATION)
8850 LADUE ROAD
ST. LOUIS, MO 63124

FOR: AUTOMOTIVE FLEET MANAGEMENT SERVICES, IN CLASS 35 (U.S. CL. 101).

FIRST USE 2-15-1967; IN COMMERCE 2-15-1967.

FOR: AUTOMOTIVE REPAIR SERVICES AND TELEPHONE INSTALLATION AND REPAIR SERVICES, IN CLASS 37 (U.S. CL. 103).

FIRST USE 2-15-1967; IN COMMERCE 2-15-1967.

FOR: TELEPHONE LEASING SERVICES, IN CLASS 38 (U.S. CL. 104).

FIRST USE 2-1-1988; IN COMMERCE 2-1-1988.

FOR: RENTAL AND LEASING SERVICES OF AUTOMOBILES AND TRUCKS, IN CLASS 39 (U.S. CL. 105).

FIRST USE 2-15-1967; IN COMMERCE 2-15-1967.

FOR: RETAIL OUTLET SERVICES IN THE FIELD OF TELEPHONES, AUTOMOTIVE DEALERSHIP SERVICES, IN CLASS 42 (U.S. CL. 101).

FIRST USE 2-15-1967; IN COMMERCE 2-15-1967.

OWNER OF U.S. REG. NOS. 925,251, 1,586,104 AND OTHERS.

SER. NO. 74-465,260, FILED 12-6-1993.

CHERYL BUTLER, EXAMINING ATTORNEY

Int. Cls.: 39 and 42

Prior U.S. Cls.: 100, 101 and 105

United States Patent and Trademark Office

Reg. No. 2,052,192

Registered Apr. 15, 1997

SERVICE MARK
PRINCIPAL REGISTER



ENTERPRISE RENT-A-CAR COMPANY (MISSOURI CORPORATION)
600 CORPORATE PARK DRIVE
ST. LOUIS, MO 63105

FOR: VEHICLE RENTAL AND LEASING SERVICES, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 3-1-1995; IN COMMERCE 3-1-1995.

FOR: AUTOMOBILE DEALERSHIP SERVICES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 8-1-1995; IN COMMERCE 8-1-1995.

OWNER OF U.S. REG. NOS. 925,251, 1,875,518 AND OTHERS.

THE SHADING AROUND THE "E" IN THE DRAWING DENOTES THE COLOR GREEN.

SER. NO. 75-031,616, FILED 12-12-1995.

G. MAYERSCHOFF, EXAMINING ATTORNEY

Int. Cls.: 39 and 42

Prior U.S. Cls.: 100, 101, and 105

United States Patent and Trademark Office

Reg. No. 2,130,856

Registered Jan. 20, 1998

**SERVICE MARK
PRINCIPAL REGISTER**

ECAR

ENTERPRISE RENT-A-CAR COMPANY (MISSOURI CORPORATION)
8850 LADUE ROAD
ST. LOUIS, MO 63124

FOR: VEHICLE LEASING AND RENTAL SERVICES AND RESERVATION SERVICES FOR THE RENTAL AND LEASING OF VEHICLES, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 9-0-1994; IN COMMERCE 9-0-1994.

FOR: VEHICLE DEALERSHIP SERVICES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 9-0-1994; IN COMMERCE 9-0-1994.

SEC. 2(F).

SN 74-567,451, FILED 8-29-1994.

FRANCES G. SMITH, EXAMINING ATTORNEY

Int. Cls.: 35, 37, 38, 39 and 42

Prior U.S. Cls.: 100, 101, 103, 104 and 105

United States Patent and Trademark Office

Reg. No. 2,136,409

Registered Feb. 17, 1998

SERVICE MARK

Int. Cls.: 35, 37, 39 and 42

Prior U.S. Cls.: 100, 101, 102, 103, 105 and 106

United States Patent and Trademark Office

Amended

Reg. No. 2,136,409

Registered Feb. 17, 1998

OG Date Sep. 1, 1998

ENTERPRISE RE
MISSOURI CORP OF
RENT-A-CAR A
8850 LADUE ROAD
ST. LOUIS, MO 63

FOR: AUTOMOBILE
SERVICES, IN CLASS 35
FIRST USE
2-15-1967.

FOR: TELEPHONE
REPAIR SERVICES, IN CLASS 37
FIRST USE
2-15-1967.

FOR: TELEPHONE
CLASS 38 (U.S. CLASS 38)
FIRST USE
2-1-1988.

**SERVICE MARK
PRINCIPAL REGISTER**

E

ENTERPRISE RENT-A-CAR COMPANY
(MISSOURI CORPORATION), DBA EN-
TERPRISE RENT-A-CAR AND EN-
TERPRISE LEASING,
8850 LADUE ROAD
ST. LOUIS, MO 63124

OWNER OF U.S. REG. NOS. 925,251,
1,598,925 AND OTHERS.

FOR: AUTOMOBILE FLEET MAN-
AGEMENT SERVICES, IN CLASS 35
(U.S. CLS. 100, 101 AND 102).

FIRST USE 2-15-1967; IN COMMERCE
2-15-1967.

FOR: [TELEPHONE INSTALLATION
AND REPAIR SERVICES;] AUTO-
MOBILE REPAIR SERVICES, IN CLASS 37
(U.S. CLS. 100, 103 AND 106).

FIRST USE 2-15-1967; IN COMMERCE
2-15-1967.

FOR: SHORT TERM RENTAL SER-
VICES OF AUTOMOBILES AND TRUCKS;
AUTOMOBILE LEASING SERVICES, IN
CLASS 39 (U.S. CL. 105).

FIRST USE 2-15-1967; IN COMMERCE
2-15-1967.

FOR: [RETAIL OUTLET SERVICES IN
THE FIELD OF TELEPHONES;] AUTO-
MOBILE DEALERSHIP SERVICES, IN
CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 2-15-1967; IN COMMERCE
2-15-1967.

SER. NO. 74-101,749, FILED 10-1-1990.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Sep. 1, 1998.*

Bruce Lehman

Int. Cls.: 35, 37, 39 and 42

Prior U.S. Cls.: 100, 101, 102, 103, 105 and 106

United States Patent and Trademark Office

Reg. No. 2,190,147

Registered Sep. 22, 1998

9

**SERVICE MARK
PRINCIPAL REGISTER**

E ENTERPRISE

ENTERPRISE RENT-A-CAR COMPANY (MISSOURI CORPORATION)
8850 LADUE ROAD
ST. LOUIS, MO 63124

FOR: AUTOMOBILE FLEET MANAGEMENT SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 12-31-1969; IN COMMERCE 12-31-1969.

FOR: AUTOMOBILE REPAIR SERVICES, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 12-31-1969; IN COMMERCE 12-31-1969.

FOR: SHORT TERM RENTAL SERVICES OF AUTOMOBILES AND TRUCKS; AUTOMOBILE

LEASING SERVICES, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 12-31-1969; IN COMMERCE 12-31-1969.

FOR: AUTOMOBILE DEALERSHIP SERVICES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 12-31-1969; IN COMMERCE 12-31-1969.

OWNER OF U.S. REG. NOS. 925,251, 1,598,925 AND OTHERS.

SER. NO. 74-255,784, FILED 3-16-1992.

CHERYL BUTLER, EXAMINING ATTORNEY

06/11/2005 10:00 AM
Int. Cls.: 35, 37 and 39

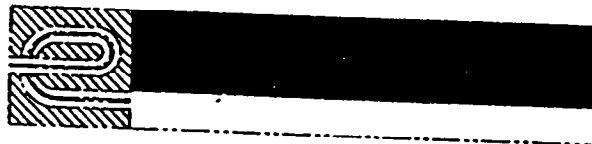
Prior U.S. Cls.: 100, 101, 102, 103, 105 and 106

United States Patent and Trademark Office

10
Reg. No. 2,255,679

Registered June 22, 1999

**SERVICE MARK
PRINCIPAL REGISTER**



ENTERPRISE RENT-A-CAR COMPANY (MISSOURI CORPORATION)
600 CORPORATE PARK DRIVE
ST. LOUIS, MO 63105

FOR: AUTOMOBILE DEALERSHIP SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).
FIRST USE 2-15-1967; IN COMMERCE 2-15-1967.

FOR: AUTOMOBILE REPAIR SERVICES, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).
FIRST USE 2-15-1967; IN COMMERCE 2-15-1967.

FOR: VEHICLE RENTAL AND LEASING SERVICES, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 2-15-1967; IN COMMERCE 2-15-1967.

OWNER OF U.S. REG. NOS. 925,251, 2,192,909 AND OTHERS.

THE MARK IS LINED FOR THE COLOR GREEN.

THE MARK CONSISTS OF THE COMBINATION OF THE COLORS GREEN AND BLACK USED IN CONNECTION WITH THE SERVICES SET FORTH IN THE APPLICATION.

SER. NO. 75-500,184, FILED 6-11-1998.

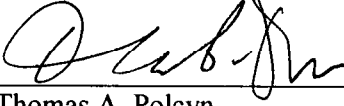
EDWARD NELSON, EXAMINING ATTORNEY

TTAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: BOX TTAB FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514 on 8-19-03.



Thomas A. Polcyn
Reg. No. 41,256

08-22-2003
U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Attorney Docket: 51017/40962

ENTERPRISE RENT-A-CAR COMPANY :

Opposer,

Opposition No. _____

v.

REED ELSEVIER INC.

Applicant.

BOX TTAB FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

LETTER


Enclosed please find:

1. Notice of Opposition with Exhibits 1-10 (in duplicate)
2. Authorization is hereby given to charge Deposit Account 20-0823 \$300.00 for the Notice of Opposition fee. A duplicate copy of this Letter is enclosed for that purpose.

Please file said Opposition.

THOMPSON COBURN LLP

By:



Thomas A. Polcyn

Reg. No. 41,256

One US Bank Plaza

St. Louis, Missouri 63101

(314) 552-6000

ATTORNEYS FOR OPPOSER